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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,309

04/16/2004

Richard S. Kusleika

12013/48803

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23838 7590 05/05/2010

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EXAMINER

VU, QUYNH-NHU HOANG

ART UNIT

PAPER NUMBER

3763

MAIL DATE

DELIVERY MODE

05/05/2010

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD S. KUSLEIKA

Appeal 2010-006943
Application 10/825,309
Technology Center 3700

Before KIMBERLY R. JORDAN, *Division 1 Support Administrator*.

ORDER REMANDING APPEAL TO THE EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 3, 2010. A Docketing Notice was mailed on May 4, 2010. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

UNDECIDED PETITION

A Petition to request designation of new grounds of rejection in the Examiner's Answer was filed on March 22, 2010. However, there is no indication in the record that the Petition was decided.

REPLY BRIEF NOT CONSIDERED

A Reply Brief was filed in this application on March, 22, 2010. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is ordered that the application be remanded to the Examiner:

- 1) to have the Petition filed March 22, 2010 decided;
- 2) to consider the Reply Brief filed March 22, 2010, as indicated above; and
- 3) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KRJ/msc

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